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FEB 18 2011

Attorney Docket No. ABAX-009/03US 010265-2061

OFFICE OF PETITIONS
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent No.: 5,776,563

02/16/2011 DALLEN 00000006 501283 08466155
01 FC:1599 2197.00 DAApplicant: Steven N. BUHL *et al.* Confirmation No.: 2738

Serial No.: 08/466,155 Art Unit No.: 1773

Filed: June 6, 1995 Examiner: Dhirajlal S. Nakarani

FOR: DRIED CHEMICAL COMPOSITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450SUBMISSION UNDER 37 C.F.R. § 1.28(c)

Sir:

This is a submission under 37 C.F.R. § 1.28(c) to correct an inadvertent error in claiming small entity status and to pay the deficiency that may have resulted from mistakenly paid small entity fees.

Patentee is now and has always itself been a small entity with less than 500 employees. A license to the above-captioned application and/or the subsequently issued patent was granted to Pharmacia, Inc., on October 1, 1994, to Cepheid¹ on September 30, 2005, and to bioMerieux SA on March 20, 2006. Patentee's agent, through error and without deceptive intent, continued to pay small entity fees thereafter. Accordingly, in compliance with the requirements of § 1.28,

02/16/2011 DALLEN 00000006 501283 5776563
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¹ Cepheid appears to have grown to over 500 employees sometime during 2008.

patentee now submits a good faith payment of the deficiency owed and requests the Office excuse the error.

Please charge **\$6,122** to our **Deposit Account No. 50-1283** for the total deficiency. As required under 37 CFR § 1.28 (c)(2)(ii), an itemization with respect to each fee that was paid is attached. If the Office determines that the calculation of the deficiency is in error, or if any other fee is required for entry, consideration, or acceptance of this paper, patentee requests that the Director debit the appropriate fee(s) from our **Deposit Account No. 50-1283**.

Dated: February 9, 2011

CUSTOMER NO. 58249

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Respectfully submitted,
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By: /NanWu/
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ITEMIZATION UNDER § 1.28(c)(2)(ii)

| DATE | DESCRIPTION OF FEE | FEE PAID | FEE CODE² | CURRENT FEE³ | DEFICIENCY |
|--------------|--------------------------------------|-----------------|-----------------------------|--------------------------------|-------------------|
| 06-06-95 | Excess Total Claims (12) | \$132 | 1202 | \$624 | \$492 |
| 06-06-95 | Basic Filing Fee | \$365 | 1001 | \$850 | \$485 |
| 07-25-96 | 1 mos. EOT | \$55 | 1251 | \$130 | \$75 |
| 02-28-97 | IDS under 1.17(p) | \$230 | 1806 | \$180 | NA |
| 02-28-97 | 2 mos. EOT | \$195 | 1252 | \$490 | \$295 |
| 04-27-98 | Issue Fee | \$660 | 1501 | \$1510 | \$850 |
| 04-27-98 | Soft Copies (10) | \$30 | 8001 | \$30 | 0 |
| 01-04-02 | Maintenance Fee, 4 th yr | \$440 | 1551 | \$980 | \$540 |
| 12-30-05 | Maintenance Fee, 8 th yr | \$1150 | 1552 | \$2480 | \$1330 |
| 01-07-10 | Maintenance Fee, 12 th yr | \$2055 | 1553 | \$4110 | \$2055 |
| TOTAL | | | | | \$6122 |

² Current large entity fee code.

³ Current large entity fee (FY 2011 fee schedule, as revised 1 January 2011).